

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KATHRYN KNOWLTON, and
DANA McCORMICK, et al,
Plaintiffs,

Case No. 20-CV-01660

v.

CITY OF WAUWATOSA, BARRY WEBER,
in his official capacity as Chief of Police, and
DENNIS MCBRIDE, in his official capacity
as Mayor of Wauwatosa, et al,

Defendants.

**ATTORNEY FEE AFFIDAVIT OF PLAINTIFFS
FOR COSTS AND FEES
PURSUANT TO DECISION AND ORDER
OF THE COURT, AUGUST 20, 2021
& Certificate of Service**

We, the undersigned Counsel for the Plaintiffs hereby depose and state upon penalty of perjury:

1. Kimberley Cy. Motley is an attorney and owner of Motley Legal Services, LLC, home office in Charlotte, North Carolina.
2. Kathryn L. Knowlton is an attorney and owner of Knowlton Law Group, LLC, home office in Wauwatosa, Wisconsin.
3. Milo Schwab is an attorney and owner of Ascend Counsel, home office in Denver, Colorado.
4. Counsel make this affidavit pursuant to Honorable Court's order of August 20, 2021, ECF #46, detailing the reasonable costs and fees relating to and associated with the April 23,

2021 deposition of Mr. Dennis McBride.

5. Attorney Kimberley Cy. Motley submits costs and fees as itemized:

- a. 56.5 hours x \$550 per hour = \$31,075 (including 14 hours of travel)
- b. Flights (roundtrip CLT to MKE) = \$243
- c. Car Rental 5 days (\$40 per day) = \$200
- d. Lodging 5 days (\$75 per day) = \$375

6. Attorney Kathryn L. Knowlton submits fees as itemized:

- a. 15.5 hours x \$475 per hour = \$7,362.50

7. Attorney Milo Schwab provides the following verified statement and costs:

- a. I began preparing for this deposition in earnest the week of the deposition.
- b. While I was ultimately able to incorporate some of my prior preparation when Defendant McBride's deposition was ultimately taken, much of the work needed to be redone. I needed to again review the essential documents and redevelop my line of questioning. Therefore certain amounts of time in preparation were effectively wasted as a result of Defendant McBride's no show.
- c. In an effort to ensure that my hours are reasonable, I have reduced by half the hours in preparation for Monday and Tuesday. However, preparation done the two days before were completely redone when Defendant McBride's deposition was ultimately taken.
- d. On that basis, I provide the following fees and costs:
 - i. Attorney Hours:
 - 1. Travel to Milwaukee: 4 hours
 - 2. Travel from Milwaukee: 4 hours

3. Preparation for deposition on 4/19/2021: 1.8 hours (half of total 3.6 hours prepped)
4. Preparation for deposition on 4/20/2021: 3.1 hours (half of total 6.2 hours prepped)
5. Preparation for deposition on 4/21/2021: 4.6 hours
6. Preparation for deposition with Kimberley Motley on 4/22/21: 4.1 hours
7. Time spent at deposition waiting, during hearing on failure, and time unavailable for working on other matters: 6 hours
8. Caselaw research for sanctions motion: 1.4 hours
9. Drafting Motion for Sanctions: 3.2 hours
10. Preparation of attachments to Motion for Sanctions: 1 hour

33.2 hours x \$450 per hour: \$14,940.00

ii. Flights

1. Denver to Chicago, 4/22/2021: \$92.98
2. Milwaukee to Denver, 4/24/2021: 98.40
3. Parking: \$51.00

Total: \$242.38

iii. Lodging & Food

1. Hotel, 4/22/21 - 4/24/20: \$159.40
2. Meals: \$60.00

Total: \$219.40

8. Miscellaneous Expenses

Court Reporter = 6.0 hours x \$75/hour = \$450

Videographer = 6.0 hours x \$150/hour = \$900

9. Based on each respective attorney's experience, the hourly fees reflected above are consistent with the rates charged by civil rights litigators with the required experience and sophistication required to bring and litigate a case of this size, nature and complexity.
10. We, undersigned Counsel, have reviewed the original time entries for the legal fees submitted and affirm that the work was actually performed for the benefit of the litigation in preparing for deposition of Defendant McBride, was necessary for the proper and professional preparation and execution of the missed deposition, and that the fees are reasonable given (1) the time and labor required, (2) the complexity and novelty of problems involved, and (3) the extent of the responsibilities assumed and the results obtained. Furthermore, the hourly rates and overall charges are fair when compared against the fees charged for comparable work by similar firms in other major metropolitan areas.
11. We, the undersigned Counsel, specifically note that the time billed by each of us, was not duplicative of the time spent by the others. That is, we have communicated and compared our work and time spent on the specific preparation for April 23, 2021, and to the best of our ability and upon review, we coordinated to best ensure no duplication.
12. Finally, upon review of the file and the hours claimed herein, we note that not all of the time spent on this case was captured in the time records. For example, numerous emails between clients and co-counsel and between opposing counsel were not included. Therefore, we believe the time reflected is a conservative accounting of the actual time spent on this part of this matter as a direct result, and in direct relation to the sanctioned conduct.

I, Kimberley Cy. Motley, hereby swear under penalty of perjury that this Affidavit and the information contained herein is truthful and accurate to the best of my knowledge, information, and belief. Under penalties of perjury, and pursuant to 18 USC 1621 and 1623, I declare that the above facts and statements are true and correct to the best of my knowledge:

August 30, 2021

/s/ Kimberley Cy. Motley
Kimberley Cy. Motley

I, Kathryn L. Knowlton, hereby swear under penalty of perjury that this Affidavit and the information contained herein is truthful and accurate to the best of my knowledge, information, and belief. Under penalties of perjury, and pursuant to 18 USC 1621 and 1623, I declare that the above facts and statements are true and correct to the best of my knowledge:

August 30, 2021

/s/ Kathryn L. Knowlton
Kathryn L. Knowlton

I, E. Milo Schwab, hereby swear under penalty of perjury that this Affidavit and the information contained herein is truthful and accurate to the best of my knowledge, information, and belief. Under penalties of perjury, and pursuant to 18 USC 1621 and 1623, I declare that the above facts and statements are true and correct to the best of my knowledge:

August 30, 2021

/s/ E. Milo Schwab
E. Milo Schwab

CERTIFICATION OF SERVICE

In addition to electronically filing in United States District Court, Eastern District of Wisconsin (Milwaukee) CIVIL DOCKET FOR CASE #: 2:20-cv-01660-NJ, I certify that on August 30, 2021, I delivered to Gunta Law Office, pursuant to FRCP Rule 5(b)(2)(E), an email copy of same of this document to Defendant Attorney, Jasmyne M. Baynard, Esq. at the email address she provided: jmb@guntalaw.com.

KNOWLTON LAW GROUP, LLC

/s/ Kathryn L. Knowlton
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